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**TITLE 71 INDIANA HORSE RACING COMMISSION**

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**Emergency Rule**  
LSA Document #21-525(E)**DIGEST**

Amends [71 IAC 3-2-9](#) regarding judge's list. Amends [71 IAC 3-13-1](#) and [71 IAC 3.5-14-1](#) regarding general authority. Amends [71 IAC 5-1-17](#) and [71 IAC 5.5-1-17](#) regarding duration of license. Amends [71 IAC 6-1-4](#) regarding excusing claimed horse. Amends [71 IAC 7-1-28](#) regarding qualifying races. Amends [71 IAC 7-2-6](#) regarding recall rules. Amends [71 IAC 7-3-7](#) regarding driving rules. Amends [71 IAC 7-3-13](#) regarding whip restriction. Amends [71 IAC 7-3-15](#) regarding hobbles and head pole restrictions. Amends [71 IAC 7-3-16](#) regarding breaking. Amends [71 IAC 8-1-5](#) regarding furosemide as a permitted foreign substance. Amends [71 IAC 8-13-1](#) regarding equine health requirements. Amends [71 IAC 13-1-7](#) regarding financial reports. Amends [71 IAC 13.5-1-1](#) regarding definition of "Indiana bred". Amends [71 IAC 13.5-2-1](#) regarding mare registration. Amends [71 IAC 13.5-2-3](#) regarding stallion registration. Effective December 9, 2021.

[71 IAC 3-2-9](#); [71 IAC 3-13-1](#); [71 IAC 3.5-14-1](#); [71 IAC 5-1-17](#); [71 IAC 5.5-1-17](#); [71 IAC 6-1-4](#); [71 IAC 7-1-28](#); [71 IAC 7-2-6](#); [71 IAC 7-3-7](#); [71 IAC 7-3-13](#); [71 IAC 7-3-15](#); [71 IAC 7-3-16](#); [71 IAC 8-1-5](#); [71 IAC 8-13-1](#); [71 IAC 13-1-7](#); [71 IAC 13.5-1-1](#); [71 IAC 13.5-2-1](#); [71 IAC 13.5-2-3](#)

SECTION 1. [71 IAC 3-2-9](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 3-2-9](#) Judge's list****Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31](#)

Sec. 9. (a) The judges shall maintain a judge's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race, ~~if on the list for breaks~~, unless finishing first, second, or third. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first ~~second, or third~~ in one (1) of the two (2).
- (6) Making breaks in three (3) consecutive starts regardless of finishing position or track condition.
- (7) Being scratched sick or lame in two (2) consecutive programs.
- (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (9) Poor performance while competing in a race followed by a break later in that race.
- ~~(10) Any horse making its first pari-mutuel start making a break unless finishing first, second, or third.~~
- ~~(11)~~ **(10)** Failing to finish a race for any reason except in the case of accident, broken equipment, or interference.

(b) Any horse on the veterinarian's list shall also be considered to be on the judge's list and ineligible to race until removed.

(c) Any horse that has tested positive for a foreign substance in violation of this title that has not been cleared by the official veterinarian or judges shall be considered to be on the judge's list and ineligible to race until removed.

(d) Horses racing at all county fair race tracks that return to pari-mutuel race tracks to compete must have a clean charted line in qualifying time within forty-five (45) days or they must requalify. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, except as indicated in the conditions of the Indiana sires stakes.

(e) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race track may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race date to race date) unless declared ineligible under subsection (h) or (i).

(f) The judges may place a horse on the judge's list when there exists a question as to the exact identification, ownership, or trainer of a horse.

(g) A horse may not be released from the judge's list without permission of the judges.

(h) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exists a compromise with the health and safety of the participants in those races.

(i) Horses that are placed on the veterinarian's or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the veterinarian or starter, shall not be eligible to race under subsection (e).

(Indiana Horse Racing Commission; [71 IAC 3-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#); emergency rule filed Feb 3, 2017, 2:24 p.m.: [20170208-IR-071170051ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#); emergency rule filed Apr 30, 2018, 3:54 p.m.: [20180502-IR-071180203ERA](#); emergency rule filed Aug 29, 2018, 11:12 a.m.: [20180905-IR-071180370ERA](#); emergency rule filed Mar 15, 2019, 2:42 p.m.: [20190320-IR-071190167ERA](#); errata filed Mar 29, 2019, 10:12 a.m.: [20190403-IR-071190167ACA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 5, 2019, 1:56 p.m.: [20191211-IR-071190646ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 2. [71 IAC 3-13-1](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 3-13-1](#) General authority**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, except that any certified veterinary technician assigned to act as official veterinarian pursuant to [71 IAC 3-12-1\(c\)](#) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;

- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the judges if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the judges and the official veterinarian;
- (7) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (8) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of ~~racing the horse~~ to so act;
- (9) with the approval of the official veterinarian, place horses on the bleeder list; and
- (10) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; [71 IAC 3-13-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 3. [71 IAC 3.5-14-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 3.5-14-1](#) General authority**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, except that any certified veterinary technician assigned to act as official veterinarian pursuant to [71 IAC 3.5-13-1](#)(c) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the stewards and the official veterinarian;
- (7) be available to the racing secretary or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
- (8) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (9) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of ~~racing the horse~~ to so act;
- (10) with the approval of the official veterinarian, place horses on the bleeder list; and
- (11) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; [71 IAC 3.5-14-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#))

SECTION 4. [71 IAC 5-1-17](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5-1-17](#) Duration of license**

**Authority:** [IC 4-31-6-2](#)

**Affected:** [IC 4-31-6-4](#)

Sec. 17. (a) A license is valid only under the condition that the licensee remains eligible to hold such license.

**(b) Any license voluntarily surrendered to the commission by a licensee shall be rescinded.**

(Indiana Horse Racing Commission; [71 IAC 5-1-17](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Apr 18, 2017, 12:54 p.m.: [20170426-IR-071170215ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 5. [71 IAC 5.5-1-17](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5.5-1-17](#) Duration of license**

**Authority:** [IC 4-31-6-2](#)

**Affected:** [IC 4-31-6-4](#)

Sec. 17. (a) A license is valid only under the condition that the licensee remains eligible to hold such license.

**(b) Any license voluntarily surrendered to the commission by a licensee shall be rescinded.**

(Indiana Horse Racing Commission; [71 IAC 5.5-1-17](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Apr 18, 2017, 12:54 p.m.: [20170426-IR-071170215ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 6. [71 IAC 6-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 6-1-4](#) Excusing claimed horse**

**Authority:** [IC 4-31-6-9](#)

**Affected:** [IC 4-31](#)

Sec. 4. (a) If a horse in a claiming race is scratched by the judges **or a veterinarian** for any reason, including being declared a nonstarter, any claims on the said horse are void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply from the date of the scratch or declaration of a nonstarter until the last day of the final harness meet licensed by the commission that year. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office in writing.

(b) Any horse scratched from a claiming race and taken out of state to race shall upon its return to Indiana be bound by subsection (a) ~~of this rule~~ within the same year.

(Indiana Horse Racing Commission; [71 IAC 6-1-4](#); emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency

rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Nov 21, 2014, 2:25 p.m.: [20141217-IR-071140403RFA](#); readopted filed Oct 7, 2020, 2:27 p.m.: [20201104-IR-071200406RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 7. [71 IAC 7-1-28](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-1-28](#) Qualifying races**

**Authority:** [IC 4-31-6-9](#)

**Affected:** [IC 4-31](#)

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- ~~(3) Horses racing with or without pacing or trotting hoppers for the first time must qualify.~~
- ~~(4) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.~~
- ~~(5)~~ (3) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post-race tested (urine and blood).
- ~~(6)~~ (4) If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.
- ~~(7)~~ (5) In a qualifying race, if a horse has verifiable interference that results in a break or failure to go in qualifying time, the horse shall be qualified if it races within two (2) seconds of the allowable time.
- ~~(8)~~ (6) Under [71 IAC 7-1-28](#) ~~(7)~~ **subdivision (5)**, no consideration will be given for drivers not finishing the qualifier in competitive fractions, carelessness, or for broken equipment.

(Indiana Horse Racing Commission; [71 IAC 7-1-28](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 8. [71 IAC 7-2-6](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-2-6](#) Recall rules**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 6. (a) In the case of a recall, a light which is plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. At pari-mutuel tracks, in the case of a recall, wherever possible, the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his or her discretion to close the wings of the gate. There shall be no recall after the word "go" has been given unless there is a mechanical failure of the starting gate. Any horse, regardless of its position or an accident, shall be deemed a starter from the time it entered into ~~to~~ the starter's control unless dismissed by the starter, or declared a nonstarter by the judges.

(b) In the event a horse causes two (2) recalls, it shall be an automatic ruling of the judges that the offending horse be scratched and a mutuel refund ordered.

- (c) The starter may sound a recall only for the following reasons:
- (1) A horse scores ahead of the gate.



- (2) There is interference.
- (3) A horse has broken equipment.
- (4) A horse falls before the word "go" is given.
- (5) A mechanical failure of the starting gate.

**(6) A horse approaches the start out of position.**

- ~~(6)~~ **(7)** The starter determines, in his or her discretion, that a horse has never been within a fair distance to the starting gate whether off stride or not.

*(Indiana Horse Racing Commission; [71 IAC 7-2-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 9. [71 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7-3-7](#) Driving rules**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 7. (a) A leading horse is not to be more than four (4) feet from the inside rail/pylons except after selecting its position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that, in altering the position, the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in or out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act that shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in ~~and~~ **or** out, or bear in ~~and~~ **or** out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Maintaining a position of half in and half out or failing to make a reasonable effort to advance when pulling to the outside.
- (13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.
- (14) If any of the violations in this subsection ~~is~~ **are** committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.
- (15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.
- (16) Drivers at any point in the race after the start who use the outrider or starting gate to assist in getting control of their horse may be placed last by the judges.
- (17) Turn the horse abruptly after the finish of the race in order to return to the paddock or the barn area.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the

judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) If any horse loses a piece of equipment during a race and that equipment bothers another horse or horses, it may be considered interference by the horse responsible for the lost equipment pursuant to [71 IAC 5-3-3\(a\)\(19\)](#).

(d) In case of interference, collision, or violation of any of the restrictions in subsections (a), (b), and (c), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined or suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse or horses not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.

(e) If there is any purse money for which horses have started but were unable to finish due to interference or an accident, or both, all unoffending horses who did not finish will share equally in such purse money.

(f) A driver shall not:

- (1) fail to display competitive urging or cease driving while in contention in the home stretch;
- (2) race in an inconsistent manner;
- (3) drive in an unsatisfactory manner due to lack of effort;
- (4) drive in an unsatisfactory manner due to carelessness; or
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(g) If the judges determine that any of the actions in subsection (f) were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(h) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

(i) A driver shall not fail to participate in the post parade at the prescribed time unless excused by the judges.

*(Indiana Horse Racing Commission; [71 IAC 7-3-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#); emergency rule filed Mar 15, 2019, 2:42 p.m.: [20190320-IR-071190167ERA](#); errata filed Mar 29, 2019, 10:12 a.m.: [20190403-IR-071190167ACA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 5, 2019, 1:56 p.m.: [20191211-IR-071190646ERA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 10. [71 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

## **71 IAC 7-3-13 Whip restriction**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 13. (a) In all pari-mutuel and qualifying races drivers will be allowed whips not to exceed four (4) feet plus a snapper not longer than six (6) inches. Drivers must have control of their horses at all times and handholds must be adjusted so as to be taut with the elbows in front of the chest.

(b) Whipping action shall be limited to wrist action with minimal elbow movement. Any exaggerated arm or body motion shall be considered a violation.

(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.

(d) The following actions shall be considered as excessive ~~and/or~~ or indiscriminate or both:

- (1) Whipping of a horse during post parade or after the finish.
- (2) Continuous use of the whip **without pausing to give the horse a chance to respond.**
- (3) Striking any part of the whip under the tail or between the legs.
- (4) Whipping a horse not advancing through the field or that is out of contention.
- (5) Causing visible injury.
- (6) The use of any sharp object or stimulating device.
- (7) Any part of the whip may not be used for jabbing.

(e) Drivers shall keep a line in each hand from the start of the race until the finish of the race.

(f) Violation of any of these rules may result in a fine ~~and/or~~ or suspension or both or commission referral.

*(Indiana Horse Racing Commission; [71 IAC 7-3-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Mar 2, 2021, 3:10 p.m.: [20210310-IR-071210076ERA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 11. [71 IAC 7-3-15](#) IS AMENDED TO READ AS FOLLOWS:

## **71 IAC 7-3-15 Hopples; head pole, restrictions**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 15. ~~Any horse going on/off hobbles for the first time from the last start must requalify. Subsequent changes may be approved by the judges with good cause. No horse shall be permitted to wear a head pole protruding beyond its nose.~~ **(a) The use of hobbles from race to race shall be in the sole discretion of the trainer, subject to receiving approval from the judges, and not precipitate qualifying the horse.**



**(b) The entry of the horse shall state whether such horse will use hobbles or not. Failure to include a change when entering the horse disallows any addition or subtraction of hobbles for the race. Every change in a horse's use of hobbles must be included in the program.**

**(c) No horse shall be permitted to wear a head pole protruding beyond its nose.**

*(Indiana Horse Racing Commission; [71 IAC 7-3-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 12. [71 IAC 7-3-16](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-3-16](#) Breaking**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 16. (a) When any horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse either to the inside or outside and pull it to its gait.

(b) The following shall be considered violations of subsection (a):

- (1) Failure to properly attempt to pull a horse to its gait.
- (2) Failure to take to the inside or outside where clearance exists.
- (3) Failure to continuously lose ground while on a break.
- (4) An extended break. "An extended break" means a horse that is not on its proper gait for twenty-five (25) consecutive strides or more.

(c) If there has been no failure on the part of the driver in complying with subsection (a), the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one (1) or more places if in their judgment any violations as established in subsection (b) or (c) have been committed.

(e) Any horse making a break, which causes interference with other contesting horses, shall be placed behind all horses interfered with unless the judges determine that a driver of a trailing horse did not exercise reasonable alertness in avoiding the situation. **Any horse making an extended break may be placed last by the judges.**

*(Indiana Horse Racing Commission; [71 IAC 7-3-16](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 5, 2019, 1:56 p.m.: [20191211-IR-071190646ERA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 13. [71 IAC 8-1-5](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 8-1-5](#) Furosemide as a permitted foreign substance**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 5. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be

placed on the furosemide list, the following process must be followed:

- (1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or ~~his/her~~ **his or her** designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the official veterinarian or ~~his/her~~ **his or her** designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or ~~his/her~~ **his or her** designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or judges may designate certain practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. **The trainer of the horse receiving furosemide or his or her authorized representative or employee shall be present during furosemide administration.** The association shall establish track rules for furosemide administrations that are consistent with these regulations.
- (9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.
- (10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ~~ten one thousandths~~ **ten-thousandths** (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only. Split sample testing shall be quantitative and be performed on blood serum or plasma only.

(Indiana Horse Racing Commission; [71 IAC 8-1-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2218; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed Apr 5, 2013, 3:50 p.m.: [20130410-IR-071130135ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

SECTION 14. [71 IAC 8-13-1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-13-1](#) Equine health; requirements**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) Any horse stabled on the grounds, participating in a race, or entered in a race shall have on file with the association prior to entering the association premises a negative test result for equine infectious anemia (Coggins test) within the last twelve (12) months, in accordance with state law.

(b) Any horse entering association grounds that is arriving from out of state, and entering association grounds for the first time after racing or residing in a state other than Indiana for any period of time, shall have on file with the racing secretary prior to entering the association premises a certificate of veterinary inspection (CVI or health certificate) completed within the last thirty (30) days by a licensed veterinarian, in accordance with state law.

(c) A copy of all documents described in ~~Section 1(a) and Section 1(b) above~~ **subsections (a) and (b)** and any additional documentation required by the association shall be kept with the horse at all times and presented to security personnel upon entering association premises.

**(d) Any person found altering, counterfeiting, or forging any document including, but not limited to, proof of equine infections anemia (Coggins test), certificate of veterinary inspection (CVI or health certificate), or any other additional documentation required by the association in an attempt to circumvent these rules shall be subject to a fine or suspension or both.**

*(Indiana Horse Racing Commission; [71 IAC 8-13-1](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 15. [71 IAC 13-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 13-1-7](#) Financial reports**

**Authority:** [IC 4-31-3-9](#); [IC 4-35-7-12](#)

**Affected:** [IC 4-31](#); [IC 4-35-7-12](#)

Sec. 7. (a) The commission may require periodic audits of the three separate accounts required by section 8(a)(7) of this rule in order to determine whether a registered horsemen's association has expended funds in compliance with [IC 4-35-7-12](#).

(b) At the time it files its registration under section 1 of this rule, a registered horsemen's association shall file with the commission a copy of its state and federal tax returns from the preceding calendar year.

(c) A registered horsemen's association shall file an unaudited balance sheet and profit and loss statement if kept in the regular course of the horsemen's association's business for the three (3) separate accounts required by section 8(a)(7) of this rule as required by the commission. Those submissions must be in a format which conforms with the categories set out in section 3(1) of this rule.

(d) A registered horsemen's association shall file an annual financial statement, audited by independent certified public accountants, with the commission not later than May 15 after the close of its fiscal year, which at minimum reflects operations of the three (3) separate accounts required by section 8(a)(7) of this rule during the preceding calendar year. The audit must be in format that conforms with the categories set out in section 3(1) of this rule. The commission, upon good cause shown, may extend the time for filing or permit the horsemen's association to file a report of an independent certified public accountant that is less rigorous than a full audit but which addresses the accounting, auditing, internal control, and reporting procedures for the separate accounts required by section 8(a)(7) of this rule.

(e) A registered horsemen's association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Department of State Revenue, or any other federal or state agency auditing the registered horsemen's association, within thirty (30) days after the receipt thereof.

(f) A previously registered horsemen's association or a horsemen's association that has submitted a request for approval of registration with the commission shall provide any materials specified in section 6 of this rule and

this section that are requested by the commissioner or its executive director.

~~(g) Upon receipt, a registered horsemen's association shall file with the commission annually any report received from the state board of accounts regarding any audit conducted pursuant to [IC 4-35-7-12](#)(h).~~

~~(Indiana Horse Racing Commission; [71 IAC 13-1-7](#); emergency rule filed Jul 11, 2008, 2:13 p.m.: [20080723-IR-071080595ERA](#); emergency rule filed Oct 3, 2013, 2:08 p.m.: [20131009-IR-071130452ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))~~

SECTION 16. [71 IAC 13.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 13.5-1-1](#) "Indiana bred" defined**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) "Indiana bred" means any properly registered thoroughbred, foaled in Indiana, and whose dam was registered with the commission.

(b) The mare must:

- (1) have entered Indiana by November 1 in the year prior to foaling; or
- (2) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the state of Indiana within fourteen (14) days of purchase; and
- (3) remain in Indiana continuously until foaling.

The resulting foal will then be eligible to be registered as an Indiana bred.

(c) Mares registered for **the** current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale, but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the appropriate forms available from the commission.

(e) In the event a mare entered Indiana and was registered with the commission after November 1 in the year prior to foaling, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred if the mare:

- (1) is registered within ten (10) days of foaling; and
- (2) is bred back to a registered Indiana stallion in the year of foaling. Mares registered under ~~Sec. 1 (b)(2)~~ **subsection (b)(2)** are not required to breed back to a registered Indiana stallion.
- (3) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(f) If the mare does not conceive, it must:

- (1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and
- (2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(g) The commission must be notified in writing and provide proper documentation for any mare ~~and/or~~ **or** foal **or both** leaving the state for medical treatment.

~~(h) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review of the breed development committee. The director of breed development may approve a request for a mare to leave before thirty (30) days after foaling. The request~~

**shall be in writing.**

(i) The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race.

*(Indiana Horse Racing Commission; [71 IAC 13.5-1-1](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: [20080305-IR-071080056ACA](#); emergency rule filed Oct 3, 2013, 2:08 p.m.: [20131009-IR-071130452ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 17. [71 IAC 13.5-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 13.5-2-1](#) Mare registration**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) In order to be eligible to register a thoroughbred foal as Indiana bred, such foal must be:

- (1) foaled in Indiana and its dam must be registered with the commission;
- (2) have entered Indiana by November 1; or
- (3) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the state of Indiana within fourteen (14) days of purchase; and
- (4) must remain in Indiana continuously until foaling.

(b) A current copy of the front and back of the mare's Jockey Club papers along with lease agreements are to be included with the registration.

(c) Mares registered for **the** current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale, but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the appropriate forms available from the commission.

(e) In the event a mare entered Indiana or is registered with the commission after November 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible, the mare must be:

- (1) registered within ten (10) days of foaling; and
- (2) bred back to a registered Indiana stallion in the year of foaling (Mares registered under ~~Sec. 1-(b)(2)~~ [71 IAC 13.5-1-1 \(b\)\(2\)](#) are not required to breed back to a registered Indiana stallion); and
- (3) the stallion must be registered with the commission in the year the foal was conceived.

(f) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(g) If the mare does not conceive, she must:

- (1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and
- (2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(h) The commission must be notified in writing and provide proper documentation for any mare ~~and/or~~ or foal



or both leaving the state for medical treatment.

(i) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review and recommendation of the breed development advisory committee. **The director of breed development may approve a request for a mare to leave before thirty (30) days after foaling. The request shall be made in writing.**

(j) Mares in foal must be reregistered every year.

*(Indiana Horse Racing Commission; [71 IAC 13.5-2-1](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: [20080305-IR-071080056ACA](#); emergency rule filed Oct 3, 2013, 2:08 p.m.: [20131009-IR-071130452ERA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))*

SECTION 18. [71 IAC 13.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 13.5-2-3](#) Stallion registration**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 3. (a) In order to register a stallion with the commission, a completed application must be:

- (1) filed with the commission on or before October 15 of each year; and
- (2) a current copy of the front and back of the stallion's Jockey Club papers along with lease agreements are to be included with the registration.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1).

**(1) A stallion may arrive in Indiana after the February 1 deadline, but may only be registered with applicable fees if the stallion has not covered any mares outside the state during the same year. The stallion must remain in Indiana for the remainder of the breeding season.**

**(2) A stallion who has covered mares in Indiana prior to registration may be registered with a fee for each mare bred. The stallion must remain in Indiana for the remainder of the breeding season.**

(c) An application must be filed every year.

(d) There will be a two hundred fifty dollar (\$250) late fee for all applications filed after the deadline **who have not covered any mares during the current breeding season prior to registration.** The late fee will be waived for new stallions which are standing for the first time in Indiana.

~~(e) Stallions registering after the October 15 deadline must be registered prior to covering any mares for that year.~~ **If a stallion has covered mares in Indiana during the current breeding season prior to registration, the stallion may be registered, but shall be assessed a fee of:**

**(1) one thousand dollars (\$1,000); or**

**(2) two hundred fifty dollars (\$250) for each mare covered;**

**whichever is greater.**

(f) Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards.

(g) A mare's bred report must be on file with the commission by August 1 of each year.

*(Indiana Horse Racing Commission; [71 IAC 13.5-2-3](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff*

Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); readopted filed Sep 21, 2016, 11:02 a.m.: [20161019-IR-071160203RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Dec 9, 2021, 2:22 p.m.: [20211215-IR-071210525ERA](#))

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